

REMARKS

Support for the amendments to the claims is shown in the following table:

Claims	Specification Support
Claim 1.	Original claim 1, figure 2 and sequence listing.
Claim 2.	Original claim 2, figure 2 and sequence listing.
Claim 5.	Original claim 1.

Accordingly, no prohibited new matter has been added and entry of the amendment is respectfully requested.

I. Summary of the Office Action

Applicants' election of Group V has been acknowledged. Arguments provided for traversal of the restriction requirement were considered, and the restriction between the protein and nucleic acids was withdrawn. However, the restriction requirement for the different species was deemed proper and made final.

The specification stands objected to allegedly because the figures did not have sequence identifiers.

Claims 1-5 and 7 stand objected to as allegedly reciting figures as opposed to

sequence identifiers.

Claims 1-5 stand objected to as allegedly encompassing non-elected subject matter.

Ostensibly, claims 1-5 stand objected to as allegedly containing terms that do not conform to USPTO practice.

Claims 1-4 stand rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter (i.e., composition of matter not isolated).

Claim 7 stands rejected under 35 U.S.C. §101 as allegedly lacking positive process steps.

Claim 7 stands rejected under 35 U.S.C. §112, first paragraph, as allegedly being non-enabled.

Claim 7 stands rejected under 35 U.S.C. §112, second paragraph, for allegedly being indefinite.

No art was cited against the pending claims 1-5 and 7.

II. Summary of Response

Applicants have amended claims 1, 2 and 5 to more clearly define the subject matter of interest.

Applicants have provided the appropriate changes to the specification.

Applicants traverse the outstanding objections against claims 1-5 and 7.

Applicants traverse the outstanding rejections against claims 1-4 and 7.

Claims 6 and 7 were cancelled without prejudice to prosecution in a continuing application.

III. Objections

A. Sequence Identifier and the Specification.

The specification stands objected to allegedly because the figures did not have sequence identifiers.

As noted in M.P.E.P. at §2422.02, while 37 C.F.R. §1.821(b) provides the manner in which sequences are presented in a disclosure, the rules may be relaxed for drawing figures. As such the sequence identifiers have been added to the brief description of the drawings.

Regarding the remainder of the specification, the appropriate identifiers are recited as amended.

For these reasons, Applicants respectfully request that the objection as it might apply to the disclosure be withdrawn.

B. Claims Reciting Figures.

Claims 1-5 stand objected to as allegedly reciting figures as opposed to sequence identifiers.

While not acquiescing to the correctness of the Examiner's reasoning, and to expedite prosecution toward allowance, Applicants have amended claims 1, 2 and 5 to more clearly define the subject matter of interest.

For this reason, Applicants respectfully request that the objection be withdrawn.

C. Claims Containing Non-Elected Subject Matter.

Claims 1-5 stand objected to as allegedly encompassing non-elected subject matter.

While not acquiescing to the correctness of the Examiner's reasoning, and to expedite prosecution toward allowance, Applicants have amended claims 1, 2 and 5 to more clearly define the subject matter of interest.

For this reason, Applicants respectfully request that the objection be withdrawn.

D. "Degenerated"

Claims 1-5 [ostensibly] stand objected to as allegedly containing a term that does not conform to USPTO practice.

The term, "degenerated," relates to a translation issue and the claims were amended to recite an equivalent term more acceptable under U.S. practice.

For these reasons, Applicants request that the objection be withdrawn.

IV. Non-Art Rejections

A. Claims 1-4 stand rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter.

Applicants traverse the rejection as it might be applied to the amended claims for the reasons given below.

While not acquiescing to the reasoning offered in the Office Action, and to expedite prosecution toward allowance, Applicants have amended the claims to recite

"isolated."

As such, Applicants respectfully request that the rejection be withdrawn.

B. Claim 7 stands rejected under 35 U.S.C. §101 as allegedly lacking positive process steps.

Applicants have canceled claim 7. As such, the rejection is moot as applied to said claim, and Applicants respectfully request that the rejection be withdrawn.

C. Claim 7 stands rejected under 35 U.S.C. §112, first paragraph, as allegedly being non-enabled.

Applicants have canceled claim 7. As such, the rejection is moot as applied to said claim, and Applicants respectfully request that the rejection be withdrawn.

D. Claim 7 stands rejected under 35 U.S.C. §112, second paragraph, for allegedly being indefinite.

Applicants have canceled claim 7. As such, the rejection is moot as applied to said claim, and Applicants respectfully request that the rejection be withdrawn.

Applicant: Christof NIEHRS et al.
Application No. 09/530,219
Attorney Docket No.2502498-991150 (formerly 40168)

CONCLUSION

Applicants submit that the pending claims are in condition for allowance. Reexamination, reconsideration, withdrawal of the objections and rejections, and early indication of allowance are requested respectfully. If any questions remain, the Examiner is urged to contact the undersigned at the local exchange noted below.

If any fees are found to be applicable, please charge any additional fees or make any credits to Deposit Account No. 07-1896.

Respectfully submitted,



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Date: September 22, 2003